

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:15-CR-250-H

UNITED STATES OF AMERICA,)
)
 v.)
)
MELVIN TAYLOR, JR.,)
 Defendant.)

ORDER

This matter is before the court on defendant's motion to suppress. Following an evidentiary hearing on July 22, 2016, United States Magistrate Judge Kimberly A. Swank entered a memorandum and recommendation (M&R) on August 11, 2016, recommending denial of the motion. The defendant has objected, and this matter is ripe for adjudication. Under Rule 59(b) of the Federal Rules of Criminal Procedure, a district judge must consider "de novo any objection to the magistrate judge's recommendation."

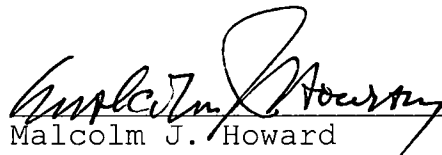
Defendant does not object to the facts as stated in the M&R, but provides a few additional facts he believes merit the court's attention. The court takes note of these facts, and specifically notes no narcotics or firearms were found on Mr. Taylor or in his vehicle at the time of his arrest. Further, the defendant notes a problem with the reliability of the witnesses and the lack of nexus between defendant and 3614 Sue Ellen Dr.

Defendant contends the concerned citizen and the cooperating defendant were unreliable.

Despite these additional facts noted by defendant, the court, having conducted a de novo review of the M&R and other documents of record, finds the recommendation of the magistrate judge is in accordance with the law and should be approved. The court finds there was probable cause for the issuance of the warrant.

Accordingly, the court hereby adopts the recommendation of the magistrate judge as its own; and, for the reasons stated therein, the defendant's motion to suppress [DE #32] is hereby DENIED.

This 1st day of ~~August~~ ^{September} 2016.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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